



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      AAT, CNC, LRE, OLC, OPT, PSF

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “*Act*”) for an order allowing access to the rental unit, to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”), for an order to restrict or suspend the Landlord’s right to enter, for an order for the Landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, for an Order of Possession for the Tenant and for an order for the Landlord to provide services or facilities required by the tenancy agreement or legislation.

The Tenant called into the hearing and confirmed that he did not serve the Landlord with the Notice of Dispute Resolution Proceeding package due to not having a current address for the Landlord. After a few minutes, the Landlord called into the hearing and confirmed that he only became aware of the hearing through an email from the Residential Tenancy Branch. The Landlord was not aware of the claims on the Tenant’s Application.

As the Landlord had not been properly served with the Notice of Dispute Resolution Proceeding in accordance with Sections 88 and 89 of the *Act*, the hearing would not be able to continue. The parties also confirmed at the outset of the hearing that the Tenant had already moved out. The parties were informed that since the Tenant’s claims were all related to a tenancy that had ended, the hearing would not proceed.

### Issues to be Decided

Should an order be given allowing access to the Tenant or guests of the Tenant?

Should the One Month Notice be cancelled?

If the One Month Notice is upheld, is the Landlord entitled to an Order of Possession pursuant to Section 55 of the *Act*?

Should the Landlord's right to enter the rental unit be suspended or restricted?

Should the Landlord be ordered to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement?

Is the Tenant entitled to an Order of Possession for the rental unit?

Should the Landlord be ordered to provide services or facilities required by the tenancy agreement or *Act*?

### Background and Evidence

The parties were informed that the hearing could not continue due to insufficient service to the Respondent, as well as the claims no longer being relevant as the tenancy had ended.

The Tenant asked the Landlord for his current address and this was provided at the hearing.

### Analysis

As the tenancy has already ended, I dismiss the Tenant's Application for Dispute Resolution, without leave to reapply. Both parties are at liberty to file an Application for Dispute Resolution if there are any outstanding matters remaining from this tenancy.

Conclusion

This Application is dismissed in its entirety, without leave to reapply. The dismissal is due to a service issue and also because the tenancy has already ended and the claims are therefore no longer relevant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 02, 2018

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Residential Tenancy Branch